

## PROTOCOL

defining, for the period 1 May 1990 to 30 April 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal.

## THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979, as amended by the Agreement signed on 21 January 1982 and the Agreement signed on 20 November 1985,

Having regard to the Protocol defining the fishing rights and financial compensation provided for in the said Agreement for the period 29 February 1988 to 28 February 1990,

## HAVE AGREED AS FOLLOWS:

## Article 1

From 1 May 1990, for a period of two years, the limits referred to in the second subparagraph of Article 4 of the Agreement shall be as follows:

1. wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:

fish and cephalopods: 1 000 GRT/year;

2. wet trawlers (inshore demersal fishing) not landing their catch in Senegal:

fish and cephalopods: 2 200 GRT/year;

3. ocean-going wet fish trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months:

5 000 GRT/year in an average year;

4. freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:

fish and cephalopods: 2 800 GRT/year;

5. freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months:

fish and cephalopods: 1 000 GRT/year in an average year;

6. ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal:

18 600 GRT/year;

7. tuna vessels landing all their catch in Senegal: 20 vessels;

8. freezer tuna seiners landing part of their catch in Senegal: 48 vessels;

9. surface longliners: 35 vessels.

## Article 2

1. The financial compensation referred to in Article 9 of the Agreement is hereby fixed, for the period referred to in Article 1, at ECU 28 750 000 payable in two equal annual instalments.

2. The compensation shall be paid into the account of Senegal's Chief Treasurer and Paymaster.

## Article 3

The fishing opportunities provided for in Article 1 may be increased, at the request of the Community, by successive annual instalments of 1 000 GRT. In such case, the financial compensation provided for in Article 2 shall be increased proportionately *pro rata temporis*.

## Article 4

In addition, during the period referred to in Article 1, the Community shall contribute the sum of ECU 800 000 to the financing of Senegal's scientific programmes intended to improve knowledge of fish stocks in Senegal's exclusive economic zone.

This sum shall be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crodt).

The competent authorities in Senegal shall send the Commission summary reports on the programmes carried out.

#### *Article 5*

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose study and practical training awards in various scientific, technical and economic disciplines connected with fisheries.

These awards may be used also in any other State linked to the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 450 000 which shall be payable as and when it is used.

#### *Article 6*

Failure by the Community to make the payments provided for in Articles 2 and 4 of this Protocol may result in the suspension of the Agreement.

#### *Article 7*

Annex I to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979, is hereby repealed and replaced by the Annex which appears in the Annex to this Protocol.

#### *Article 8*

This Protocol shall enter into force on the date of its signing.

It shall apply from 1 May 1990.

## ANNEX

**CONDITIONS GOVERNING FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY VESSELS  
FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY****A. Application for, and issue of, licences**

- 1.1. The competent Community authorities shall present to the competent Senegalese authorities (the Ministry responsible for sea fisheries) an application in respect of each vessel wishing to fish under the Agreement.

The application, accompanied by a tonnage certificate, shall be made on the forms provided for that purpose by the Government of Senegal, a specimen of which is attached hereto.

- 1.2. The technical services of the Ministry responsible for sea fisheries shall establish the fee payable by the shipowner for the licence and inform the delegation of the Commission of the European Communities in Dakar.

Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the Delegation of the Commission of the European Communities in Dakar.

If, within two weeks of notification of the amount due, the fee has not been paid, the Community may make fresh licence application for the tonnage concerned.

- 1.3. Licences shall be valid from the date of issue until 31 December of the year in which they are issued or until the expiry of the Protocol in its last year of application.

Trawlers fishing demersal species may, within the limits laid down in points 3 and 5 of Article 1 of the Protocol, obtain special licences valid for four months.

- 1.4. The fees and advances shall be for one year, except those for the licences referred to in point 1.3. However, in the first and last years of application of the Protocol, the fees and advances shall be in proportion to the period of validity of the Agreement. The fees shall be set as follows:

**A. Fees for trawlers:**

1. Wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:  
fish and cephalopods: CFA 20 000 per GRT/year.
2. Wet trawlers (inshore demersal fishing) not landing their catch in Senegal:  
fish and cephalopods: CFA 50 000 per GRT/year.
3. Ocean-going wet fish trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months:  
CFA 12 500 per GRT/four months.
4. Freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:  
fish and cephalopods: CFA 40 000 per GRT/year.
5. Freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan notified to the Senegalese Government by the Community every six months:  
fish and cephalopods: CFA 23 000 per GRT/four months.
6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal:  
CFA 40 000 per GRT/year.

**B. Fees for tuna vessels and longliners:**

1. Tuna vessels landing all their catch in Senegal: CFA 2/kilogram of fish caught in Senegal's exclusive economic zone.
2. Freezer tuna seiners landing part of their catch in Senegal: CFA 7/kilogram of fish caught in Senegal's exclusive economic zone.
3. Surface longliners: CFA 15/kilogram of fish caught in Senegal's exclusive economic zone.

Licences for vessels referred to in B (2) and (3) shall be issued following advance payment for those fees of a lump sum of CFA 350 000 for each tuna seiner and CFA 750 000 for each surface longliner to the Receveur des Domaines, which corresponds to 50 tonnes of tuna per tuna seiner per year and 50 tonnes of fish per surface longliner per year.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crodt). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Each additional payment, if any, shall be made by the shipowners to the Receveur des Domaines not later than 30 days following the notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance referred to above, the shipowner will not be reimbursed the difference.

**B. Statements of catch**

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the Delegation of the Commission of the European Communities in Dakar, a statement of their catch made out according to the attached specimens. These statements must be presented after each voyage in the case of wet trawlers; for freezer trawlers, monthly catch statements must be forwarded before the end of the month following the vessel's return.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been completed. In this case, the Delegation of the Commission of the European Communities at Dakar shall be informed. Furthermore, the sanction provided for pursuant to Article 58 of Senegal's sea fisheries code may be applied to the owner of the vessel concerned.

**C. Landing of catch**

- (a) Freezer trawlers (inshore demersal fishing) shall land, for local market prices, 130 kilograms of fish and shrimp per GRT every half-year.

These landings may be made individually or collectively.

Any failure to comply with the requirement to land catches shall render the shipowner liable to the following sanctions on the part of the Senegalese authorities:

- a fine of CFA 300 000 for each tonne not landed in the case of inshore demersal fishing trawlers,
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel of the same shipowner.

In order to ensure payment of the fine, the issuing of licences shall be subject to the lodging in Senegal of a banker's guarantee of CFA 39 000 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of wet tuna vessels, the target set by the two Parties shall be to land not less than 3 500 tonnes of tuna a year in Senegalese ports at the international price applicable.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to establish the appropriate action to achieve the said quantity and ensure its implementation.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese cannerys. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

#### D. Signing on of seamen

1. Trawlers and surface longliners authorized to fish in Senegalese waters under the Agreement shall be required to take on 33 % of their crew from among Senegalese registered seamen.

This percentage includes the observer or seaman/observer referred to in point H of this Annex and possibly a Senegalese national with the qualification of first mate or second engineer, should the vessel carry at least three officers on the bridge or in the engine room.

If a vessel authorized to fish in Senegalese waters holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of registered Senegalese seamen equivalent to 33 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners, the overall requirement to take on board seamen shall be established on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries, the fisheries of which are frequented by that fleet.

#### E. Special equipment and supplies and services

Wherever possible, Community vessels shall procure the necessary supplies and services, including dry dock facilities and regular maintenance, in Senegal.

#### F. Fishing zones

1. Wet trawlers (inshore demersal fishing) of less than 300 GRT and inshore freezer trawlers (demersal species) of less than 250 GRT shall be authorized to fish:

(a) from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36'00" N);

(b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36'00" N) and the northern Senegal-Gambia border;

(c) from six nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

2. Wet trawlers (inshore demersal fishing) of more than 300 GRT and freezer trawlers (inshore demersal fishing) of more than 250 GRT shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.

3. Ocean-going trawlers for demersal species shall be authorized to fish:

(a) from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00' N;

(b) from six nautical miles off the baselines between latitude 15°00' N and the latitude of Portudal (14°27'00" N);

(c) from 25 nautical miles off the baseline between the latitude of Portudal (14°27'00" N) and the northern Senegal-Gambia border;

- (d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
- 4. Wet vessels and freezer tuna seiners shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.
- 5. Surface longliners shall be authorized to drop their lines:
  - (a) from 15 nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Portudal (14°27'00" N);
  - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00" N) and the northern Senegal-Gambia border;
  - (c) from 25 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

#### G. Radio communication

Any Community vessel intending to carry out fishing activities in Senegal's fishing zone shall notify the radio station of the *Projet de Protection et Surveillance des Pêches du Sénégal* (PSPS) of each entry into, or exit from, the fishing zone. Shipowners will be informed of the call sign when the fishing licence is issued. Any vessel found fishing without having notified the PSPS of its presence shall be considered an unlicensed vessel.

#### H. Observers

- 1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 300 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the facilities provided for the officers of the vessel concerned.
- (b) The Senegalese authorities shall communicate to the Commission of the European Communities the names of the designated observers.
- (c) Subject to the restrictions imposed by the vessel, observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officers' messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
- 2. (a) Trawlers and longliners of less than 300 GRT shall take on board a seaman designated by Senegal who shall act as seaman/observer.
- (b) In the case of freezer tuna seiners, one of the Senegalese seamen on board may be designated seaman/observer.
- (c) Captains shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.
- 3. Owners of trawlers or longliners shall make a flat-rate payment to the Senegalese Government of CFA 3 500 for seamen/observers and CFA 8 000 for observers for each day spent on board.
- 4. In principle, the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.

In such case, the observer shall leave the vessel on its return.

A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement shall be made after each voyage.

- 5. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and other expenses are reimbursed by the shipowner.

The deposit equivalent to 60 days' activity at sea is to be considered an advance on the payment of the observer's allowance. The latter shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up at the end of the calendar year.

**I. Minimum authorized mesh**

The minimum authorized mesh sizes for industrial fishing gear are as follows (mesh opening):

- purse seines with live bait: 16 mm,
- standard otter trawls (fish or cephalopods): 65 mm,
- standard otter trawls (black hake): 60 mm,
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the ICCAT are to be applied.

**J. Arrest and detention**

The authorities of the Commission of the European Communities in Senegal shall be notified, within 48 hours of the arrival at the Marine Nationale base, of the arrest and detention of any fishing vessel flying the flag of a Member State of the Community fishing under the Agreement and of the circumstances and reasons leading to such arrest and detention.

REPUBLIC OF SENEGAL

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MINISTRY RESPONSIBLE FOR MARITIME FISHING

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DIRECTORATE OF OCEANOGRAPHY  
AND MARITIME FISHING

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APPLICATION  
FORM FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

## APPLICANT

Name of firm: .....

Number and date of authorization of the company .....

Trade register No (\*): .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Number of levy payer's account (\*): .....

Address: .....

No of employees (\*): ..... Permanent (\*): ..... Temporary (\*): .....

Name and address of co-signatory: .....

Annual turnover figure (\*): .....

## VESSEL

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction (\*): .....

Original nationality: .....

Date of assumption of Senegalese flag (\*): .....

Provisional ..... Period granted ..... Permanent .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: ..... Draught: .....

Make of main engine: ..... Type: ..... Ratings: .....

Propeller: Fixed ☐ Variable ☐ Ducted ☐

Transit speed: .....

Call sign: ..... Call frequency: .....

## LIST OF NAVIGATION, SOUNDING AND TRANSMISSION INSTRUMENTS

Radar <input type="checkbox"/>	Sonar <input type="checkbox"/>	VHF radio <input type="checkbox"/>
Satellite navigation <input type="checkbox"/>	Netsonde <input type="checkbox"/>	HF, BLU radio <input type="checkbox"/>
Automatic pilot <input type="checkbox"/>	Scanmar <input type="checkbox"/>	Telex <input type="checkbox"/>
Route plotter <input type="checkbox"/>		

Other .....

(\*) Optional for foreign vessels.

## CONSERVATION

Packed in ice ☐Ice + refrigeration ☐Freezing in brine ☐Dry ☐Refrigerated sea water ☐

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

## TYPE OF FISHING

## A. Inshore demersal

Shrimp ☐Fish and cephalopod ☐Type of fishing gear: Fish ☐Shrimps ☐Long line fishing ☐

1. Length of trawl: ..... Headline: .....

Mesh size in the body: ..... In the wings: .....

2. Length of line: ..... Number of hooks: .....

Number of lines: ..... Size of hooks: .....

## B. Deep sea demersal

Shrimp ☐Fish ☐Type of fishing gear: Shrimp ☐Fish ☐Long line fishing ☐

1. Length of trawl: ..... Headline: .....

Mesh size in the body: ..... In the wings: .....

2. Length of line: ..... Number of hooks: .....

Number of lines: ..... Size of hooks: .....

## C. Inshore pelagic

Pelagic trawler ☐Seine ☐

1. Length of trawl: ..... Headline: .....

Mesh size in the body: .....

2. Length of seine: ..... Dept of seine: .....

Mesh dimension (drawn): .....

## D. Deep sea pelagic (tuna)

Type of fishing gear: Seine ☐ Pole and line ☐ Long line ☐

1. Length of seine: ..... Depth of seine: .....

Mesh dimension (drawn): .....

2. Number of poles and lines: .....

3. Long line

Length of lines: ..... Number of hooks: .....

Number of lines: ..... Size of hooks: .....

Number of pots: ..... Capacity in tonnes: .....

## E. Longlines and pots

Number of pots: ..... Material: .....

Length (base diameter): ..... Width (upper diameter): .....

Diameter of openings: ..... Method of cover: .....

Mesh (cover) .....

## SHORE INSTALLATIONS

Address and permit No: .....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade ☐ Export ☐

Type and No of wholesale trader's card: .....

Description of processing and conservation plant: .....

.....

.....

.....

.....

.....

No of employees: ..... Senegalese: ..... Foreigners: .....

Permanent: ..... Temporary: .....

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

### SPACING OF CATCH EQUIPMENT (Hooks or pots)

TYPE OF FISHING (long lines or pots):

NAME OF VESSEL: .....

[illegible]

### STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from ..... to .....

NAME OF VESSEL: .....

TYPE: Wet or freezer .....

**NATIONALITY:** .....

Species	Dates						
Fishing zone (1)							
Sounder							
Time of fishing							
Total weight of catch							
Total weight thrown back							

(1) Dakar North, Petite-Côte or Casamance.

## STATEMENT OF CATCH BY TUNA VESSELS

Voyage from ..... to .....

NAME OF VESSEL: .....

TYPE: Pole and line or seine .....

NATIONALITY: .....

## Catch from Senegal's economic zone

(in tonnes)

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				